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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human resources management

Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations: safety and security of humanitarian personnel and protection of United Nations personnel

Report of the Secretary-General

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I. Introduction

1. In its resolution 51/227 of 3 April 1997, the General Assembly took note of the report of the Secretary-General on the respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations, as well as their security and safety (A/C.5/51/3); expressed its deep appreciation to United Nations personnel, including those engaged in peacekeeping and humanitarian operations and locally recruited staff, for their efforts to contribute to achieving peace and security and to alleviating the suffering of the people living in areas of conflict; deplored the risks confronting United Nations personnel, including those engaged in peacekeeping and humanitarian operations and locally recruited staff; requested the Secretary-General to submit a report on this issue to the General Assembly at its fifty-second session; and also requested the Secretary-General to pay special attention to Member States' restrictions, which might impede the ability of officials to carry out their functions. At its fifty-second session, the General Assembly deferred consideration of that report (A/C.5/52/2) until the fifty-third session.

2. In its resolution 52/167 of 16 December 1997, the General Assembly deplored the rising toll of casualties among humanitarian personnel in complex humanitarian emergencies, and strongly stressed the urgent need to ensure respect for and promotion of principles and norms of humanitarian law, including those related to the safety and security of all humanitarian personnel; strongly condemned any act or failure to act that obstructed or prevented humanitarian personnel from discharging their humanitarian functions or entailed their being subjected to threats, the use of force or physical attack resulting in injury or death; called on all Governments and parties in complex humanitarian emergencies to ensure the safe and unhindered access of humanitarian personnel in order to allow them to perform their tasks efficiently; and urged all States to ensure that any threat or act of violence committed against humanitarian personnel on their territory is fully investigated and the perpetrators prosecuted. The Assembly also requested the Secretary-General to submit to it at its fifty-third session a report on the safety and security situation of all humanitarian personnel and measures to be taken to improve it, taking into account the views of Governments, the Inter-Agency Standing Committee and other relevant humanitarian actors, as well as the United Nations Security Coordinator.

3. In its resolution 52/126 of 12 December 1997, the General Assembly urged all States to respect and ensure respect for the human rights of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and to take the necessary measures to ensure the safety and security of those personnel, as well as the inviolability of United Nations premises; also urged all States to ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity; called on all States, *inter alia*, to consider becoming parties to the Convention on the Safety of United Nations and Associated Personnel; to provide adequate and prompt information concerning the arrest or detention of United Nations and other personnel; to grant the representative of the competent international organization immediate and unconditioned access to such personnel; to allow independent medical teams to investigate the health of detained United Nations and other personnel carrying out activities in fulfilment of the mandates of United Nations operations, and to afford them the necessary medical assistance; to allow these representatives to attend hearings involving United Nations and other personnel, provided that such attendance is consistent with domestic law; requested the Secretary-General to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel, and when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization and, where appropriate, to seek redress and compensation for the damage caused to them; also requested the Secretary-General, *inter alia*, to consider ways and means, until the Convention has entered into force, to strengthen the protection of United Nations and other personnel, notably by seeking the inclusion, in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel, of the applicable conditions contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies, and the Convention on the Safety of United Nations and Associated Personnel; to take the necessary measures to ensure that security matters are an integrated part of the planning for an operation; and to take the necessary measures to ensure that United Nations and other personnel are properly informed about the scope of the mandate and the standards that they are required to meet. The Secretary-General was requested to submit to the General Assembly, at its fifty-third session, a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on cases that have been successfully settled and on the implementation of the measures referred to in the resolution.

4. The present report contains updated information on the security and safety of officials and measures already taken or to be taken to improve the security of staff and respect for the privileges and immunities of officials, as requested in Assembly resolution 51/227, as well as the information requested in Assembly resolutions 52/126 and 52/167, and is submitted in response to those resolutions. It is presented on behalf of and with the approval of the members of the Administrative Committee on Coordination, and is based upon the information provided by United Nations programmes, funds, offices and missions, as well as the specialized agencies and related organizations. In addition, the views of the members of the Inter-Agency Standing Committee have been sought. A list of the organs and organizations that were requested to provide information is contained in annex V to the present report. The report covers the period from 1 July 1997 to 30 June 1998. However, as has been the practice in the past, all cases involving the death of staff members at the time of finalization of the present report are also included.

II. Security and safety of officials

5. The security and safety of personnel of the United Nations system is a matter of paramount importance and concern to the Secretary-General and the executive heads of United Nations agencies, programmes and funds. Over the past decade, conditions in which United Nations personnel have been expected to operate and the level of risk they face have deteriorated considerably, and there has been an unprecedented increase in the number of security incidents involving personnel of the United Nations system. During the period 1 July 1997 through 30 June 1998, 15 staff members belonging to the organizations of the United Nations system paid the ultimate price by sacrificing their lives; in the period 1 July to 10 September 1998, eight more staff members lost their lives (for details on each case, see annex III). Countless other United Nations personnel have been victims of attack, robbery, harassment, injury or rape. A similar pattern of casualties has been experienced throughout the humanitarian community.

6. The abduction/hostage-taking of United Nations personnel continues to be a major security risk. During the reporting period, 33 United Nations personnel were abducted and held hostage in eight separate incidents. Of these incidents (seven of which were successfully resolved), three took place in Somalia; two in Georgia; one in Guatemala; and one in Zimbabwe. One case, however remains unresolved (see also annex IV): Mr. Vincent Cochetel, representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) at Vladikavkaz, North Ossetia (Russian Federation), who was abducted on 29 January 1998, remains missing and his whereabouts are unknown.

7. A comprehensive listing of all the security incidents to which United Nations personnel were subjected would be too lengthy for the present report; details of some incidents may be found in the information provided by various organizations in annex IV. However, paragraphs 8 to 19 below are representative of the security situations that many United Nations personnel have faced in the past 12 months.

8. In Afghanistan, in August 1998 a military adviser serving with the United Nations Special Mission to Afghanistan (UNSMA) was shot and killed while driving a clearly marked United Nations vehicle. Personnel of the United Nations system have been repeatedly harassed and threatened by the Taliban Authorities. Locally recruited staff members have been publicly beaten for alleged infractions of Taliban rules. One senior official was publicly slapped by a Taliban official at Kandahar. In areas which were under the control of the Northern Alliance, United Nations property was repeatedly violated and office and warehouse premises systematically looted of their contents, amounting to millions of dollars of losses. In September 1997, the situation in the town of Mazar-e-Sharif became so unstable and hazardous that it became necessary to evacuate international staff members under harrowing conditions.

9. In Angola, the United Nations Observer Mission in Angola (MONUA) and the United Nations agencies, programmes and funds operate against a background of a steadily deteriorating military and security conditions, with a resumption of full-scale hostilities imminent. MONUA team sites, observers and other personnel have been attacked several times. MONUA has also been faced with increasing restrictions put in place by the União Nacional para a Independência Total de Angola (UNITA) and an uncooperative attitude by both parties during investigations. In addition, there is a threat of banditry in the central provinces. As a precautionary measure, in June and July 1998 MONUA relocated 19 of its 44 team sites to safer areas and modified its concept of operation, placing more emphasis on the provision of security. As a result of this severe insecurity, the downsizing of MONUA's military component has been temporarily suspended. Despite all such precautions, MONUA continues to suffer from harassment, in particular by UNITA. The United Nations team site at Luau (Moxico Province) had to redeploy into the Democratic Republic of the Congo when the town came under UNITA

attack. In addition, United Nations-leased helicopters have been shot at on two occasions.

10. In the Democratic Republic of the Congo, conditions under which staff members were expected to operate, especially in the area of North Kivu, were tenuous at best as personnel were repeatedly harassed and detained, United Nations offices repeatedly violated by representatives of the government and military authorities, and United Nations vehicles and communications equipment seized; one staff member was raped during a robbery. As a result of the critical security situation, it became necessary to evacuate all internationally recruited staff from Kivu.

11. In Eritrea, as a result of the hostilities between Ethiopia and Eritrea, in May 1998 it became necessary to evacuate United Nations dependents and non-essential staff from Asmara. This case, as well as the situation outlined in paragraphs 13 to 14 below, illustrates how conditions at a duty station where security was not a concern can change rapidly, necessitating urgent action on the part of the organization to safeguard the lives of its personnel.

12. In Georgia, several groups have engaged in hostage-taking to further their political agenda as well as in acts of terrorism against the authorities, the Commonwealth of Independent States Peacekeeping Force (CIS/PKF) and the United Nations. In February 1998, four military observers of the United Nations Observer Mission in Georgia (UNOMIG) were abducted and held until the political demands of the hostage-takers were met. CIS/PKF has also suffered incidents of hostage-taking and deadly attacks on their personnel. Also, there is a large area on both sides of the ceasefire line between the parties in which criminal elements can operate with little or no restraint. Law and order problems are compounded by ineffective or absent law enforcement agencies, poor economic conditions and the availability of weapons. UNOMIG and other United Nations personnel have been the victims of serious criminal acts, including murder, burglary, armed robbery and hostage-taking for ransom. In addition, there is also a serious problem posed by mines, especially in the Gali sector, which places serious limitations on the ability of United Nations personnel to function in the area.

13. In Guinea-Bissau, as a result of internal civil disorders it became necessary to evacuate dependents and staff members of the United Nations system in May 1998. The evacuation was particularly difficult because of the inability of the United Nations to find a means to evacuate staff until long after the hostilities had placed staff at risk. The inaccessibility of the airport made air evacuation impossible. Meanwhile, civilian ships refused to enter a zone of active conflict. Finally, as staff were running out of food and water, it was possible to arrange the evacuation with the assistance of a Member State whose military was evacuating its own nationals.

14. In Indonesia in May 1998, as a result of internal unrest which had a potential for further deterioration, it became necessary to temporarily relocate dependents and non-essential staff until the situation had stabilized.

15. In the Sudan, two locally recruited staff members of the World Food Programme, as well as a staff member of the Sudanese Red Cross and Red Crescent Society, were murdered in an ambush at Kadugli in June 1998. An investigation revealed that the WFP vehicle in which the staff members were riding had been deliberately targeted. During the course of the attack, the assailants tore the United Nations flag from the vehicle and shredded it. The Government of Sudan has not yet identified or apprehended the assailants. In addition, notwithstanding repeated promises to the contrary, the Government of Sudan has yet to authorize the United Nations system to freely operate its own radio communications system, which is critical to the safety and security of staff. The operation of a radio communications system is a fundamental, basic component of the United Nations Security Management System.

16. In Tajikistan, the United Nations Mission of Observers in Tajikistan (UNMOT) is operating in a volatile environment, and is assisting a peace process that is moving forward only very slowly. There have been several incidents of hostage-taking of international personnel. In the last such incident in November 1997, a humanitarian worker was killed when the Tajik authorities took the building where she and her companion were held by force. UNMOT has been operating under stringent precautions, constantly analysing the situation and limiting itself to areas considered reasonably safe, including Garm, the Karategin Valley and the Tavildara sector. However, the ambush and murder on 20 July 1998 of four members of UNMOT's team based at Garm shows how unpredictable events in this country can be. After the murder, UNMOT immediately suspended its activities in the field and withdrew all teams back to base at Dushanbe. The activities of all United Nations agencies, programmes and funds in Tavildara and in the Karategin valley have also been suspended.

17. In Lebanon as has been the case in Angola, on at least two occasions United Nations-leased helicopters have been shot at. The area of deployment of the United Nations Interim Force in Lebanon (UNIFIL) is the scene of active hostilities between the Israel Defence Forces (IDF) and the South Lebanon Army (SLA) and armed Lebanese groups

which oppose the Israeli occupation. In carrying out its functions, UNIFIL at times encounters hostile reactions on both sides. Such reactions include threats, harassment and the firing of weapons (mainly small arms) near or over UNIFIL positions or personnel. At times, UNIFIL returned warning shots.

18. In July 1996, UNIFIL obtained a commitment from IDF that it would not fire into safety zones around UNIFIL positions, and received assurances from the Islamic resistance (the Lebanese groups responsible for the majority of attacks against IDF) that they would not operate in the vicinity of UNIFIL positions. Both sides, by and large, have shown restraint in this regard. However, on a number of occasions armed elements did operate in the vicinity of United Nations positions. Also, incidents have continued of firing at or close to United Nations positions and personnel by both sides, at times close enough to cause damage or injury. UNIFIL protests all these and other incidents to the authorities concerned.

19. Tragically, four accidents involving United Nations-leased helicopters and aircraft have resulted in the untimely deaths of 31 individuals, including 10 staff members. The first was a helicopter crash on 6 August 1997 in southern Lebanon, in which five UNIFIL personnel lost their lives; the second was a helicopter crash on 17 September 1997 in Bosnia, in which 11 individuals connected with the Office of the High Representative and United Nations International Police Force (UNIPTF) lost their lives; the third was a helicopter crash on 17 March 1998 in Guatemala, in which five staff members of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) and one military observer lost their lives; fourth was the plane crash on 29 June 1998 in Côte d'Ivoire, in which five staff members of MONUA, including the Special Representative of the Secretary-General, civilian police and two pilots lost their lives.

III. Measures already taken or to be taken to improve the security situation of staff

20. It must be emphasized from the outset that the primary responsibility for the security and protection of staff members, their spouse and dependants and property, and of the organizations' property, rests with the host Government. This responsibility flows from every Government's normal and inherent function of maintaining order and protecting persons and property within its jurisdiction. In the case of international organizations and their officials and property, the Government is considered to have a special responsibility under the Charter of the United Nations or its agreements with individual organizations. Under Article 105 of the Charter of the United Nations, the United Nations is entitled to enjoy such privilege and immunities as are necessary for the fulfilment of its purposes. The other organizations of the United Nations family and their staff enjoy similar privileges and immunities under their respective constitutional instruments. Officials of the organizations are entitled under the same provisions to enjoy such privileges and immunities as are necessary for the independent exercise of their functions. Further, within the territory of any country that has acceded to the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies, staff members of the organizations should be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys. With regard to peacekeeping operations, status-of-forces agreements provide for the necessary privileges and immunities, rights and facilities of United Nations operations and their civilian and military personnel. Under such agreements, the Government of the country hosting a peacekeeping operation undertakes to respect the exclusively international nature of that operation and to ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to United Nations peacekeeping operations and their personnel, which, if committed in relation to the forces of the Government, would have rendered such acts liable for prosecution. This applies *mutatis mutandis* to factions in a civil war which have agreed to the role and presence of the United Nations and have de facto control over territory where United Nations peacekeepers are deployed.

21. Experience has shown, however, that Governments are often unable or unwilling to assume their responsibilities in this regard. This is particularly true during emergency situations, such as abrupt changes in Government, civil disorder and the absence of de facto authorities. In order to enhance security and safety of personnel of the organizations of the United Nations system in such situations and to prepare for any eventuality, since 1980 a set of arrangements have been in place to ensure coordinated action in all matters relating to security.

A. Current security arrangements

22. Under these arrangements, the responsibility for the coordination of all security matters rests with the Secretary-General, who has appointed the United Nations Security Coordinator to act on his behalf. Each organization of the United Nation system has appointed an official responsible for liaison with the Security Coordinator. In the field, a senior United Nations official is appointed in each country to serve as designated official for security. This person has overall and special responsibility for ensuring the security and safety of personnel of the organizations of the United Nations system. In that regard, he/she is directly accountable to the Secretary-General through the United Nations Security Coordinator. In many countries, the United Nations resident coordinator is given this responsibility. Where there are other larger United Nations offices, such as regional commissions or peacekeeping operations, the officer-in-charge of the office or operation is usually appointed designated official.

23. The designated official is advised by a security management team, and usually appoints area coordinators to deal with security matters away from the capital city. A Professional-level field security officer (or chief security officer at peacekeeping missions) may be assigned to assist the designated official. In addition, wardens are appointed at the local level to ensure implementation of security measures.

24. The primary management tool for security preparedness at any duty station is the country-specific security plan. Written in conformity with established procedures and subject to the approval of the Office of the United Nations Security Coordinator (UNSECOORD), it defines the responsibilities of each person at the duty station, the actions to be taken and the sequence to be followed. The plan is updated, as necessary, to reflect changing conditions, and may contain several options for various contingencies.

25. These arrangements are kept under continuous review by the Secretary-General, the executive heads of United Nations agencies, programmes and funds, and the United Nations Security Coordinator. Based on a comprehensive review of security arrangements undertaken in the context of the Ad Hoc Inter-Agency Meeting on Security, which reports to the Administrative Committee on Coordination (ACC), held at Montreal from 17 to 19 March 1998, it was agreed that, as a framework, while the existing arrangements are generally sound, some fine-tuning is required even though inter-agency security coordination is working at most duty stations where personnel of the United Nations system are assigned. However, there are many duty stations that must be considered to be high risk, where conventional security arrangements presently available to the United Nations system are inadequate to meet the threats. In addition, the resources required to provide even minimal protection to personnel of the United Nations system are simply unavailable because, *inter alia*, of budgetary constraints imposed on all organizations by Member States.

26. A review of conditions at these duty stations revealed that this growing insecurity is attributable, *inter alia*, to the increased exposure of United Nations staff, who together with their colleagues working for intergovernmental and non-governmental organizations are often the only outsiders present in many high-risk areas; the general disregard for international law, including humanitarian law; and a perceived loss of impartiality and neutrality, especially of humanitarian action, as perceived by the parties to the conflict who may try to manipulate the United Nations for their own purposes. To these should be added the changing nature of conflict, which has led to a blurring of the lines of distinction between victims and aggressors. Civilians are no longer caught up in a conflict between warring parties; they become the targeted enemy, as are all those who work to assist and bring relief to them and who might become the unwitting witnesses to atrocities committed against civilian populations. As a result, in fulfilment of the responsibilities entrusted to them by Member States, the personnel of the organizations of the United Nations system have increasingly been required to perform their functions in extremely hazardous conditions where decisions regarding their safety assume an immediacy not encountered in the past. This is particularly true in areas where government authority is not adequately exercised or is lacking altogether. Whereas in the past personnel were assured protection by virtue of their association with the work of the United Nations, this is no longer the case. On the contrary, personnel are more and more often at risk because of such association. In addition, actions by the United Nations or a Member State in one part of the globe can generate threats to United Nations personnel in another.

B. Peacekeeping missions

27. In the particular case of peacekeeping missions, security risks are inherent to their deployment and tasks. They are and have been deployed in areas where there is either an active armed confrontation or a precarious peace process under way between armed groups. In the first case, peacekeepers may find themselves in an exchange of fire

between the parties. In the latter case, the United Nations role in support of such a process makes it an obvious and soft target for groups that are opposed to the process. In addition, there are often high levels of violent crime in countries where peacekeepers are deployed, especially where civil conflict has shattered the fabric of society. United Nations personnel have become the victim of such violent crime in quite a few cases. The solution to such problems generally lies in the successful conclusion of the peace process that the United Nations has been mandated to assist and the establishment of law and order.

28. The security of United Nations personnel is directly linked to the strength of political support for the peace process, primarily by the parties but also by the international community. Any perceived weakness in this regard increases the likelihood of attacks on United Nations and other international staff.

29. Another threat to peacekeepers' security, inherent to their deployment to war-stricken areas, lies in the presence of mines and other unexploded ordnance. This is addressed through mine-awareness programmes, marking of minefields and demining activities.

30. Experience indicates that the security of peacekeepers is also linked to their relations with the local population, both in their official functions as well as in their private contacts. It is important, therefore, that peacekeepers conduct themselves according to the highest standards of professional and personal behaviour.

31. United Nations forces and other operations authorized by the Security Council are normally deployed only with the consent of the host Government and, where appropriate, with undertakings of cooperation by other parties. As is the case for the wider United Nations system, the primary responsibility for the security and protection of personnel of United Nations peacekeeping operations rests with the host Government. The Government's and/or parties' responsibilities are not in any way diminished by the presence of armed United Nations personnel. The inclusion of armed peacekeepers in a peacekeeping operation may have several functions, such as maintaining a ceasefire and/or an area of operation between the armed forces of belligerent parties, the establishment of a more secure environment for the implementation of peace agreements, and enhancing the protection of unarmed military observers and civilian members of an operation and United Nations agencies in the delivery of their programme. Enhancement of protection is especially relevant in areas where an armed confrontation is ongoing, whether associated with any of the parties or independent, which are not under control by the Government or the parties and may be opposed to the peace process that the United Nations is assisting.

32. United Nations troops have means of protection and are authorized to use their weapons in self-defence. They have been compelled from time to time to exercise that right and have inflicted casualties doing so. However, since their effective functioning is based on cooperation and consent, their rules of engagement require that they show the greatest restraint in order to avoid being drawn into a cycle of violence with any one party. In some operations with an armed component, the Security Council has acted in the past under Chapter VII of the Charter of the United Nations to enable the mission to protect itself and maintain its freedom of movement, as in the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES). Such authorization has served to develop more robust rules of engagement and provide a more credible deterrent. In more recent missions, such as the United Nations Mission in the Central African Republic, the Council (without reference to Chapter VII) has affirmed that the mission may be required to take action to assure its security and freedom of movement.

33. In other cases, where mines are present or where frequent exchanges of fire take place in the area of operation and the situation can deteriorate very quickly, heavy emphasis is placed on protective shelters at all positions and on protective armour for road movement. In addition, vehicle movement is monitored by radio, and depending on the situation, movement may be limited to convoys, with armed escort if necessary. Such means of protection are not normally available to operations without an armed military presence.

34. There are instances when it will not be possible to deploy a United Nations self-protection unit or rely entirely on a government or de facto authority for security. In such cases, arrangements may be necessary with other entities for security assistance. This may include armed escorts, evacuation assistance, and "over the horizon" back-up. Such arrangements may help to provide a credible deterrent and lend additional political and military weight to the mission.

35. In the past, peacekeepers were able to rely for their safety on respect for their international status and for their objective and impartial role. Unarmed military observers have been deployed in conflicts where the opposing forces are well disciplined, maintain order in the area and respond to a political authority, which agreed to (or requested) a United Nations role and can be held responsible for any threats to peacekeepers in the international arena. In many of today's civil conflicts, however, such conditions are not

present, and consequently, military observers and civilian staff in the field have been harassed, attacked or held hostage for either political or criminal reasons.

36. In Georgia, UNOMIG has taken several steps to deal with the threat posed by criminal and related groups in the region. It has revised its modus operandi and made arrangements with the CIS peacekeeping force under which the force is called whenever there is a threat against the Mission's patrols or living quarters. Furthermore, military observers' quarters at Gali and Zugdidi have been concentrated into clusters of designated houses, tested for safety, thus providing for better security and ease of patrolling. Forces of the Georgian Ministry of the Interior now guard the Zugdidi sector headquarters on a 24–hour basis, and locally contracted guards are deployed at each of the Mission's facilities at Gali, Sukhumi and Pitsunda. The Mission has also been equipped with hard-skinned as well as mine-protected vehicles.

37. In the report of the Secretary-General to the Security Council of 2 May 1998 (S/1998/375), it was proposed that the Mission be provided with a 294–strong United Nations self-protection unit, along with the necessary civilian support personnel, whose task would be to guard each of the Mission's facilities, except Tbilisi. This unit would, in principle, not undertake any patrolling. Military observers would thus continue to patrol unescorted in hard-skinned or mine-protected vehicles. Within the Mission's operational capability, the unit would also provide protection to other United Nations agencies, when so requested. It has been made clear that the deployment of such a protection unit would not relieve the parties of their responsibility to provide the Mission with adequate security, nor would the assistance currently provided by the CIS peacekeeping force cease to be required. However, such a self-protection unit could only operate with the consent of the parties. Since one of the parties objected to this solution, it was necessary to revert to other options, presented to the Security Council, none of which were truly satisfactory: (a) to reduce UNOMIG to a minimal presence, pending a significant improvement in the security situation; (b) to redeploy UNOMIG at its authorized strength and resume previous operations using mine- and ballistic-protected vehicles; and (c) to strengthen security arrangements with the CIS peacekeeping force. In the course of the consultations conducted with them, neither of the parties supported the option that UNOMIG be reduced to a minimal presence but both reaffirmed their support for the continuation of its presence. The possibility of strengthening security arrangements with the CIS peacekeeping force was not considered by either side. Hence, it was recommended that UNOMIG be redeployed in a limited manner, and that it resume operations using more mine- and ballistic-protected vehicles. This is probably as far as UNOMIG can go, with the means at its disposal, to improve the security of its personnel and contribute, by its presence, to the maintenance of peaceful conditions on the ground. Of course, the threat posed by mines, armed groups and criminal elements will remain serious and real as long as the efforts to move the peace process forward do not bear fruit. For that, both sides bear responsibilities.

38. To date it has proven difficult to find suitable and effective protection of United Nations personnel in Tajikistan. It was originally envisaged that CIS/PKF could assume the task of securing in the assembly areas. This was not acceptable to the United Tajik Opposition (UTO). Subsequently, UNMOT held detailed discussions with CIS/PKF about escort and other security duties for UNMOT. However, CIS/PKF has indicated that it cannot perform such functions without UTO's consent, which has not been forthcoming. Therefore, it cannot operate freely in UTO-controlled areas east of Dushanbe. The second option was a United Nations infantry battalion. It was not pursued since the Government of Tajikistan opposed it and others concerned also expressed reservations. Since neither of the above options was available, the United Nations proposed the forming of a special detachment for security, using Government and UTO personnel already stationed at Dushanbe. This was also seen as a confidence-building measure and a first step towards the reintegration of UTO fighters into the national army. The special detachment has been formed after a delay of many months, and has undergone training by officers brought in by the United Nations. The unit is not currently capable of ensuring suitable protection of United Nations personnel, mainly as a result of the lack of essential equipment and weaknesses of cohesion and of command and control.

39. In these circumstances, it has become necessary to limit UNMOT activities, in particular its movement. It is envisaged that the Mission will be provided with additional hard-skinned vehicles and better communications equipment in order to give its personnel at least passive protection. The CIS/PKF command has assured UNMOT that it will assist it in emergencies. As in other theatres, the only lasting solution to the problem of security lies in the successful conclusion of the peace process.

C. Measures taken in respect of civilian staff

40. Cognizant of the importance attached by Member States to the safety and security of staff of the United Nations common system, which is paramount to the implementation of mandated activities, in particular the delivery of humanitarian and development assistance, the issue of staff security and safety has been discussed extensively in various forums of the United Nations system. In an effort to make further improvements in staff security and security management in the field, the United Nations Security Coordinator convened an ad hoc inter-agency meeting on security at Montreal from 17 to 19 March 1998. In addition, the issue of security of staff was discussed at a high-level meeting of the Consultative Committee on Administrative Questions (CCAQ), which met at Geneva on 7 February 1998. The recommendations of those two meetings were endorsed by ACC at its meeting of 26 March 1998 (see annex I).

41. The decision adopted by the ACC focused on a number of measures that the organizations of the United Nations system will take to improve the security of staff. As a first step, ACC addressed the need for financial resources to ensure that funds were available within each organization for security. The ACC requested all organizations to develop and institute separate lines in their respective budgets for security. The implementation of this recommendation would have a threefold advantage: first, it would facilitate and ensure that the necessary funds required to cover the measures intended to enhance the safety and security of staff are met and are available; second, it would streamline and ensure a realistic, precise and transparent budgeting process; and third, it would provide an appropriate financial reporting mechanism to Member States that would facilitate the required fund-raising for such a vital programmatic need. Organizations are in the process of determining how best to implement the ACC decision, taking into account their operational requirements.

42. In connection with fund-raising, at the request of ACC the Secretary-General has established the Trust Fund for Security of United Nations system staff in the field, which is being administered by the United Nations Security Coordinator. The Fund will supplement and not replace existing funding mechanisms. The purpose of the Fund is to provide resources, to be solicited from Member States, to enhance the safety and security of personnel of the United Nations system, including security and stress management training, provision of stress counselling, provision of short-term security personnel in crisis areas and the development of computer software to enhance security management. As of mid-September 1998, only the Government of Norway had responded to a request for assistance, contributing $100,000 to the Trust Fund.

43. ACC also recommended a number of measures to strengthen the security management system in the field, including the provision of mandatory initial security training for designated officials prior to arrival at the duty station and regular follow-up training with their respective security management teams; regular evaluations of the designated official, security management team, area coordinators and wardens at each duty station; and strengthening of the coordination and management of field security officers.

44. The question of security training for all staff members and dependants serving in the field was discussed extensively and is a matter of utmost priority. This type of training would increase the effectiveness of the security management team, create greater overall awareness of staff, improve cooperation amongst organizations at the local level and promote the development of specific competencies in technical areas. An important component in this training will be stress management. ACC decided that UNSECOORD, using training modules which it had already developed, in coordination with UNHCR, would undertake security training as soon as funding was available, initially in the most high-risk duty stations and subsequently at all duty stations. These training modules include a section for officials responsible for security which focus, *inter alia*, on security and crisis management; security planning; threat assessment; office and residential security; transportation planning; communications; and hostage incident management. The training modules related to personal security awareness focus, *inter alia*, on travel and vehicle security; mine awareness; surviving as a hostage; and security guidelines for women.

45. With the assistance of a Member State, UNSECOORD has also organized specialized training for security professionals regarding hostage incident crisis management. Staff members who completed this training have been at the forefront of efforts to secure the release of hostages referred to in paragraph 6 above.

46. As a corollary to security training, UNSECOORD has prepared an information booklet entitled "Security in the field"; the booklet has been translated into the six official languages of the organization and is being distributed to all staff members in the field. In addition to outlining the United Nations Security Management system and the individual responsibilities of staff members, the booklet provides information about personal security issues.

47. The issue of stress management has also been discussed extensively without significant results. Each year, more and more staff members are traumatized. They have been threatened, robbed, beaten, held hostage, stabbed, shot, raped or murdered. In addition, they have witnessed such scenes, either involving their colleagues or the population they are trying to assist. Few staff members remain emotionally untouched by living through these many situations. A number of countries providing troops to United Nations peacekeeping operations have found that participating in these missions have exposed personnel to new and often traumatic situations, and have put in place substantial assets to combat the effects of stress on their troops. On the other hand, similar assistance is not available to staff members of the United Nations common system, who are often asked to take more risks than the military and without the supporting infrastructure.

48. The consequences of untreated cumulative and critical incident stress inevitably have an impact on a staff member's performance. Workers who are experiencing this type of stress are generally not fully productive. A failure to properly manage this type of stress can lead to illness; significant resources are required to care for the individual, while at the same time rendering the person unable to continue to work. All of this has an impact on the individual, as well as on the organizations concerned. In 1997, ACC endorsed a recommendation of the May 1997 Ad Hoc Meeting on Security that two stress counsellors be hired on an inter-agency basis under the authority of UNSECOORD to assist staff members who had experienced traumatic situations. But in view of the lack of resources, it has not been possible to implement this recommendation. The United Nations Children's Fund (UNICEF) has hired an English-speaking stress counsellor who is based at Nairobi. During the period under review, this individual has been called upon to assist staff members (and their dependants), *inter alia*, in Sierra Leone, Guinea-Bissau, the Democratic Republic of Congo, Rwanda and the Central African Republic. Stress counsellors have also been provided to staff in MINUGUA and MONUA following the tragic helicopter and aircraft accidents.

49. The issue of security for locally recruited staff was discussed extensively at the CCAQ high-level meeting, the recommendations of which on this matter were endorsed by ACC. ACC confirmed the existing policy that locally recruited staff members would not be evacuated from a duty station; however, a number of security measures have been instituted that will contribute significantly to their security, including their full integration into the security management system, provision of security training, establishment of warden systems and concentration points for locally recruited staff, and the identification of relocation options within the country and means of reaching them. ACC also decided that the provisions of the Malicious Acts Insurance Policy, which heretofore had only applied to locally recruited staff for service-incurred events, be extended to them on a 24–hour basis.

50. To facilitate access by humanitarian organizations to victims, the United Nations normally enters into agreements with non-governmental organizations as implementing partners, who provide resources (i.e., personnel, equipment, distribution networks) enhancing the effectiveness of relief programmes. The non-governmental organizations may be international in character or may be locally based. These implementing partners are an integral part of the Organization's capacity to implement its programmes, and require protection. UNSECOORD and the Office of Legal Affairs developed a memorandum of understanding that would govern the inclusion of implementing partner non-governmental organizations under the United Nations security umbrella. Few non-governmental organizations so far have signed the memorandum of understanding because they have difficulty with the provisions regarding their obligations with regard to security regulations and to their contribution to the financing of security measures in the field.

51. The United Nations has developed close cooperation with organizations active in the field, and has concluded with such organizations arrangements that bring these organizations under the United Nations security umbrella on a cost-sharing basis. On 20 March 1998, the United Nations Security Coordinator and the Director-General of the International Organization for Migration (IOM) signed a memorandum of understanding making IOM a full partner in United Nations security arrangements.

52. With the proliferation of multidimensional operations involving humanitarian assistance, electoral assistance, human rights monitoring, development projects and – in a limited number of instances – military operations, it is sometimes difficult to achieve a coherent approach to the security of these operations. At the request of ACC, guidelines have been developed to facilitate cooperation in the field between peacekeeping operations and United Nations organizations operating at the same duty station.

53. In the case of humanitarian assistance, the Office for the Coordination of Humanitarian Affairs (OCHA), under the leadership of the Emergency Relief Coordinator, has been faced with the problem of ensuring the provision of humanitarian assistance in areas of operation where the rule

of law no longer exists and where humanitarian agencies and their staff are being continuously threatened and harassed in their day-to-day operations.

54. The Emergency Relief Coordinator, in his capacity as Chairman of the Inter-Agency Standing Committee (IASC), has engaged IASC members in collaborative efforts to deal with the issue of the security of humanitarian workers.

55. In its advocacy role, OCHA has strived to gain acceptance for humanitarian principles and encourage Governments to ensure that victims of conflict and natural disaster are given immediate access to assistance. In the last year, OCHA has played a crucial role in advocating for humanitarian space in countries in crisis. In such countries as the Sudan, Afghanistan and Sierra Leone, OCHA has played a leading role in opening, negotiating and maintaining access for intervention by operational agencies and non-governmental organizations.

56. The issue of protection for relief workers must be linked to the protection for the recipients of that relief. The targeting of neutral and impartial humanitarian activities further endangers lives and livelihood, and emphasizes the impossibility of delinking the security of personnel from that of the victims. Accordingly, OCHA urges Governments to take all possible measures to ensure the protection of civilian populations and aid workers, consistent with respect for international humanitarian law, human rights law, refugee law and the Convention on the Rights of the Child.

57. In an effort to establish a code of conduct for humanitarian operations in crisis, OCHA, in consultation with different United Nations entities, is developing principles and rules of engagement. The project sets out to foster coherence and consistency to the purpose and actions of the United Nations through the identification of general principles and country-specific ground rules for United Nations action in countries in crisis.

58. Coordination of all matters relating to security is of the utmost importance. The efforts undertaken by the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Steering Committee for Humanitarian Response to improve cooperation amongst humanitarian organizations in drawing up a Code of Conduct for the ICRC and non-governmental organizations involved in disaster relief is to be commended. The "People-in-aid code of best practice", an initiative of the United Kingdom's leading international aid organizations, which established professional standards in the management of field staff in response to the increasing vulnerability of aid workers and in recognition of the critical importance of aid personnel, is also welcomed.

59. For the preparation of the consolidated report of the Secretary-General on safety and security of humanitarian personnel, OCHA was responsible for gathering the inputs from non-United Nations members of IASC and to convey their views in the final report.

60. ICRC and IFRC raised the following concerns. ICRC and IFRC are alarmed by the ever more frequent threats to the safety and security of Red Cross and Red Crescent personnel and of the staff of other humanitarian organizations, in particular through intentional and often fatal violent attacks, as well as by hostage-taking. Over the past eight years, the number of incidents presenting a physical threat to ICRC staff has grown from about 20 per year to more than 100. For IFRC, 58 security incidents were reported in 1996; the figure rose to 131 in 1997.

61. ICRC and IFRC are aware that the targeting of acts of violence against neutral and impartial humanitarian activities is likely to put threatened populations in jeopardy through lack of protection and assistance. Accordingly, they urge States to take all necessary steps, both nationally and internationally, to ensure unimpeded access to vulnerable people.

62. ICRC and IFRC expressed concern at the failure to respect the Red Cross and Red Crescent emblems in conflict and the consequent deterioration of security. They reaffirm the obligation of the States Parties to the Geneva Conventions of 12 August 1949 to adopt national legislation protecting the Red Cross and Red Crescent emblems, and the need to broaden awareness of the protective significance of these emblems by the States and by the components of the International Red Cross and Red Crescent Movement.

63. ICRC and IFRC emphasize that humanitarian law also extends protection to the relief work of impartial and humanitarian organizations carried out in favour of the civilian population. They urge States to take all necessary steps, both nationally and internationally, to maximize the security and the safety of humanitarian workers and reaffirm the obligation, under international humanitarian law, of parties to armed conflicts to respect and protect relief work, in particular personnel engaged in relief operations.

64. ICRC and IFRC fully support the adoption of the Rome Statute of the International Criminal Court, in the hope that this Statute will allow the Court to fight efficiently against criminals who mock the international community and whose impunity is an invitation to crime. Signing and ratifying this treaty by a very large number of States is therefore essential,

as is providing the Court with adequate funding and staff of a high quality. ICRC and IFRC at the same time encourage States to comply with their existing obligations under international humanitarian law to repress violations of this law and of the convention relating to the crime of genocide.

65. ICRC and IFRC are committed to equipping their staff and volunteers with the skills and resources needed to carry out their work. Accordingly, they recommend that all components of the Movement further develop recruitment and training policies and activities, as well as improve their communication and information networks on these issues.

66. Even with the improvements which are expected to result from implementation of the above-cited recommendations, under certain security conditions the presence of United Nations staff may no longer be justified. Discussions have been ongoing regarding the need to develop minimum operational security standards and criteria that could lead to the temporary suspension of United Nations operations because of security constraints. Any decision to either fully or partially suspend United Nations activities and withdraw staff from a duty station for security reasons must be based on several perhaps incompatible considerations. Although it is fully realized that any such decisions must be based on the evaluation of a number of complex considerations within the context of the prevailing situation at any particular time and involve both political and operational considerations, there are certain technical security questions, the answers to which could be decisive in determining whether United Nations staff can safely operate at a particular location. These questions, *inter alia*, include: Have United Nations staff become direct targets of violence? Are they targets because of who they are or where they are? Has the de facto authority (Government or other) demonstrated a consistent pattern of hostility to the United Nations and/or disregard of United Nations privileges and immunities? Has the de facto authority impeded the Organization from utilizing communications equipment? Is the security situation such that organizations cannot effectively implement and monitor their programmes?

IV. Arrest and detention of officials

67. The purpose of the present report is, *inter alia*, to provide information regarding ongoing cases of arrest and detention, and to document situations in which staff members, although perhaps released, have been held for a prolonged period of time. It also reports cases of staff members who are missing or whose whereabouts remain unknown, some for almost 20 years. The arrest or detention of staff members continued to be a major issue through the reporting period. A consolidated list of staff members under arrest and detention or missing and with respect to whom the United Nations and the specialized agencies and related organizations have been unable to exercise fully their right to protection is set out in annex II.

68. Of particular concern, following the recent hostilities between Ethiopia and Eritrea, was the action of the Ethiopian Government to declare *personae non gratae* Ethiopian staff members of the United Nations common system working in Ethiopia who were of Eritrean origin. The United Nations has vigorously protested the actions of the Ethiopian Government, and has pointed out that staff members of the Organization are not diplomats and cannot be declared *persona non grata* and expelled from the country without giving the Organization an opportunity to look into the charges against individual staff members and to decide whether the privileges and immunities of the organization had been involved. At the time of finalizing the present report, the Ethiopian Government had persisted in this course of action, and approximately 30 United Nations staff had been ordered to leave the country.

69. With regard to detainees in Rwanda, the designated official for security has continued to raise their cases with the highest officials in the Ministry of Justice. The Rwandan lawyer who had been hired to study these cases is reported to have completed all case files and to have submitted them to the relevant prosecutors. They are now pending prior to being called for trial. The detainees have been visited by United Nations staff and appear to be in good health. However, since there are still thousands of cases not related to United Nations staff members waiting to be considered by the Judiciary, it is unlikely that these cases will be solved rapidly.

70. Detailed information regarding the detention of staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), as provided by the Agency, as well as information provided by other organizations, is included in annex IV.

71. ACC has considered the legal aspects of security and referred the matter to the senior legal advisers of the United Nations common system, who met at Washington, D.C., in January 1998. The meeting recommended that ACC remind Member States of their obligations under international law vis-à-vis officials of the organizations of the United Nations family as well as technical assistance experts of those organizations. The meeting also concluded that in order to enhance security and safety of staff, individual organizations might wish to consider pursuing expansion of immunities

of their own staff either by exploring bilateral solutions or by amending existing international instruments, as appropriate. ACC endorsed the conclusions of this meeting, and requested the legal advisers to continue addressing the linkage between the physical safety of staff and the legal protection afforded by the various instruments dealing with privileges and immunities.

V. Taxation of officials

72. The issue of taxation of officials is included in the submission provided by the International Labour Organization (ILO) (see annex IV).

VI. Restriction on official and private travel of officials of the United Nations, the specialized agencies and related organizations

73. Restrictions imposed by the United States authorities on the private travel of staff members and their dependants who are nationals of particular countries remained in force.

74. Information concerning travel restrictions on UNRWA personnel is provided in annex IV.

VII. Observations

75. The last 12 months have seen a dramatic escalation of attacks on United Nations personnel, both civilian and military. The casualty list speaks for itself. Never before have so many colleagues lost their lives in the service of the Organization. Never before has the number of United Nations civilian casualties exceeded the number of United Nations military casualties. Never before has the Organization recorded so many deliberate, wanton incidents in which personnel have been directly targeted by warring factions or criminals who make a mockery of the principles on which the United Nations was built.

76. The Secretary-General expects all United Nations staff to serve the Organization with honour and dignity. Tribute must be paid to their courage and to the sacrifices they endure in pursuit of the noblest of causes – humanity.

77. The responsibility of the Organization is to provide protection and assistance and relief to the world's neediest people, and to this end it is obliged to engage with official and de facto authorities on the ground. The Secretary-General expects these authorities to abide by the precept of international law, but when it becomes necessary to send messages of condolence, more and more often, to the next of kin of staff members who have been the target of direct, deliberate and unconscionable violations of their basic human rights, the Secretary-General, as the Chief Administrative Officer, is compelled to ask whether the continued exposure of the Organization's most valuable resource to such risk can continue. In the absence of vigorous action by Member States, the balance between the twin imperatives of providing assistance and providing security becomes increasingly difficult to find. When conditions become excessively dangerous, when no action is taken to punish perpetrators of violence against staff, when humanitarian or human rights actions become pawns of war, the Secretary-General may have no option but to withdraw United Nations staff. United Nations personnel can no longer be expected to fill vacuums created by political inaction on the part of Member States.

78. It is time for Member States to recognize that humanitarian/human rights/development activities do not substitute for political action. The Secretary-General notes that of the 162 incidents reported since 1 January 1992, in only one case have the perpetrators been caught and brought to justice. The perpetrators of deliberate attacks on United Nations personnel must be held accountable for their acts in which staff members have lost their lives. The Secretary-General calls on Member States to ensure that any assault or physical violence committed against United Nations personnel is properly investigated, and that measures are taken against those found guilty. Furthermore, international legal machinery should be developed to find and seize the assets of the transgressors.

79. The Secretary-General welcomes the adoption of the Rome Statute of the International Criminal Court, article 8, paragraphs b(iii) and e(iii), which give the Court jurisdiction over such acts as intentionally directed attacks against personnel, installations, materials, units or vehicles involved in a humanitarian or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict.

80. The Secretary-General firmly believes that the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies constitute a critical element in the protection of staff members and their dependants from arrest and detention. Therefore, the Secretary-General invites States that have not become a

party to the Conventions to give consideration to ratifying or acceding to them. The Secretary-General also invites Member States that have not done so to become a party to the Convention of the Safety of United Nations and Associated Personnel. The Secretary-General is of the view that a decision by the General Assembly to examine the reports on privileges and immunities on a biennial basis is inadequate, and may even be considered detrimental to the fate for staff members who are so detained. Accordingly, it is recommended that the General Assembly continue to consider these reports on an annual basis.

81. In addition to legal protection, it is time for Member States to recognize that the cost of providing security is the price of implementing successfully the mandated activities of the Organization.

82. One of the priorities is the funding of security. Implementation of the decisions taken by ACC outlined above, as well as the provision of basic security to United Nations staff members, entail additional expenditures that cannot be met from existing resources. They are, however, essential and even critical for the proper discharge of the responsibility for the safety and security of personnel. The establishment of the Security Trust Fund outlined in paragraph 42 above will provide urgently needed resources to enable the Secretary-General to implement many of the required security measures. The Secretary-General appeals to all Member States to contribute to and strongly support this critical activity of the organization. However, what is also required is an in-depth discussion and a decision to place funding of security on a firm footing so that the Secretary-General does not need to rely on the Trust Fund.

83. It is no longer acceptable that staff members carrying out mandates of United Nations organizations be expected to serve at high-risk duty stations without being trained and briefed regarding basic security. The Secretary-General appeals to all Member States for their support of the training and stress management initiatives undertaken by UNSECOORD.

84. The Secretary-General is committed to improving the security of all United Nations personnel. Providing effective security for United Nations personnel is a serious challenge that requires a partnership between Member States and the organizations of the United Nations system to ensure that all possible measures are taken for the protection of staff. With the unstinting help of the international community at every level, significant improvements can be made without which United Nations personnel will continue to be at risk.

Annex I

Decision of the Administrative Committee on Coordination

Staff Security

The Administrative Committee on Coordination, endorsing the report of the high-level meeting of the Consultative Committee on Administrative Questions (CCAQ) held at Geneva on 9 February 1998, and also endorsing the report of the Ad Hoc Inter-Agency Meeting on Security held at Montreal from 17 to 19 March 1998:

Part I

(a) Strongly reiterates the importance that it attaches to the issue of staff safety and security, and reaffirms once again its commitment to spare no efforts to improve the security of staff members of the United Nations system;

(b) Recommends the implementation, within each organization, of the creation of a single budget chapter/line to fund security expenditures of a foreseen nature and to ensure that funds exist for unforeseen security-related expenditures;

(c) Endorses the proposal for the provision of security training on a mandatory basis to all staff members at high-risk duty stations, and agrees to the immediate implementation of this training by the Office of the United Nations Security Coordinator (UNSECOORD), to be funded on a cost-shared basis amongst organizations, based on ACC personnel statistics for staff at duty stations;

(d) Instructs the Consultative Committee on Administrative Questions (Financial and Budgetary Questions) (CCAQ (FB)) to take the necessary financial measures to implement these decisions as expeditiously as possible and no later than 1 June 1998;

(e) Approves the establishment of a security fund by the United Nations Security Coordinator to supplement existing security funding mechanisms, and undertakes to bring the existence and the terms of reference of this trust fund to the attention of Members States and to solicit contributions;

(f) Endorses the recommendations regarding the strengthening of the security management system in the field, as outlined by the high-level meeting of CCAQ and the Ad Hoc Inter-Agency Meeting on Security;

(g) Endorses the recommendation that a working group be established under the auspices of UNSECOORD to review the operational capabilities of field security officers;

(h) Confirms the existing policy outlined in the field security handbook regarding the security of local staff, and reiterates the need for its consistent application and implementation by all organizations;

(i) Confirms the institution of security measures recommended by the high-level CCAQ with regard to ensuring the security of locally recruited staff;

(j) Endorses the recommendation that those organizations participating in the Malicious Acts Insurance policy extend coverage of this policy to locally recruited staff on a 24-hour basis;

(k) Endorses, in principle, the criteria recommended by the Ad Hoc Inter-Agency Meeting on Security for the establishment of minimum operational security standards beyond which United Nations operations would have to be temporarily suspended;

(l) Decides that all matters regarding staff security should continue to be addressed directly to ACC through the Organizational Committee, and that only matters of direct concern to CCAQ (FB) and the Consultative Committee on Administrative Questions (Personnel Questions) (CCAQ (PER)) should be referred to those bodies.

Part II

(m) Deplores the continued threats on the safety and the security of United Nations staff in all parts of the world, including hostage-taking;

(n) Reminds Member States of the United Nations of their obligations under international law to ensure the safety of United Nations staff and to safeguard their privileges and immunities.

Annex II

Consolidated list of staff members under arrest and detention or missing and with respect to whom the United Nations and the specialized agencies and related organizations have been unable to exercise fully their right to protection[a]

Name	*Agency*	*Place and date of incident*
Abdala Daker Hayatli	UNRWA	Missing in the Syrian Arab Republic since 20 April 1980
Issedine Hussein Abu Khreish	UNRWA	Detained in the Syrian Arab Republic since 11 September 1980
Mahmoud Hussein Ahmad	UNRWA	Missing in Lebanon since 22 March 1983; reportedly detained by militias or unknown elements
Mohammad Ali Sabbah	UNRWA	Missing in Lebanon since 22 March 1983; reportedly detained by militias or unknown elements
Alec Collett	UNRWA	Detained in Lebanon by militias or unknown elements since 25 March 1985
Mohammad Mustafa El-Hajj Ali	UNRWA	Missing in Lebanon since 28 November 1986; reportedly detained by militias or unknown elements
Andualem Zeleke	ECA	Detained in Ethiopia since 25 June 1993
Alfredo Afonso	WFP	Detained in Angola since July 1994
Alfred Rusigariye	UNAMIR	Detained at Kigali since 22 September 1994
Elizier Cyimanizanye	UNICEF	Detained at Kigali since 28 October 1994
Benoit Ndejeje	UNDP	Detained at Kigali since 11 November 1994
Jean-Marc Ulimubenshi	UNHCR	Detained at Butare, Rwanda, since 15 November 1994
Jean Bosco Rwagaju	UNHCR	Detained at Gitarama, Rwanda, since January 1995
Jean Chrisostome Muvunyi	UNHCR	Detained at Gikongoro, Rwanda, since 9 January 1995
Charles Ngendahimana	UNHCR	Detained at Butare, Rwanda, since 10 January 1995
Alfred Nsinga	UNAMIR	Detained at Kigali, Rwanda, since 8 February 1995
Mathieu Nsengiyaremye	UNHCR	Detained at Cyangugu, Rwanda, since 12 February 1995
Luc Birushya	UNDP	Detained at Kigali, Rwanda, since 13 March 1995
Athanase Ngendahimana	UNDP	Detained at Kigali, Rwanda, since 25 March 1995
François Semanzi	UNHCR	Detained at Butare, Rwanda, since April 1995
Aloys Byugura	UNICEF	Detained at Kigali, Rwanda, since 4 April 1995
Prosper Gahamanyi	UNDP	Detained at Kigali, Rwanda, since 12 April 1995
Clotilde Ndagijimana	UNICEF	Detained at Butare, Rwanda, since 14 April 1995

Name	*Agency*	*Place and date of incident*
Augustin Rukeribuga	UNHCR	Detained at Butare, Rwanda, since 23 April 1995
Dismas Gahamanyi	WFP	Detained at Kigali since 2 June 1995
Theodore Niyitegeka	WFP	Detained at Kigali since 2 June 1995
Fulgence Rukindo	HRFOR	Detained at Kibuye, Rwanda, since 17 June 1995
Boniface Rutagungira	UNICEF	Detained at Kigali since 20 June 1995
Manasse Mugabo	UNAMIR	Missing in Rwanda since 19 August 1995
Joseph Munyambonera	UNHCR	Detained at Kigali since 19 October 1995
Andre Uwizeyimana	UNHCR	Detained at Butare, Rwanda, since 29 December 1995
Mahmoud Saqer El Zatma	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 3 February 1996
Boaz Imanivuganamwisi	UNAMIR	Detained at Kigali, Rwanda, since 19 February 1996
Maher Mohamed Salem	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 14 March 1996
Tareq Soboh Abu El Hussain	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 16 March 1996
Bernard Nshinyumukiza	UNAMIR	Detained at Kigali since 19 March 1996
Raed Subhi El Zaqzouq	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 29 March 1996
David Bukeyeneza	UNICEF	Detained at Kigali since 4 April 1996
Emmanuel Twagirayezu	UNICEF	Detained at Kigali since 28 April 1996
François Nsabimana	UNHCR	Detained in Rwanda since May 1996
Benoit Twagirumukiza	WFP	Detained at Gitarama, Rwanda, since 6 June 1996
Israel Nkulikiyimana	UNICEF	Detained at Kigali, Rwanda, since 7 August 1996
Jean Marie Bagaragaza	UNHCR	Detained in Rwanda since October 1996
Victor Niyomubyeyi	UNHCR	Detained in Rwanda since October 1996
J. Baptiste Sibomana	HRFOR	Detained in Rwanda since March 1997
Adnan Omar Mansi	UNRWA	Detained in Jordan since 28 May 1997
Mahmoud Allan	UNRWA	Detained in the West Bank by the Palestinian Authority since 7 June 1997
Wael Ibrahim Iswed	UNRWA	Detained in Jordan since 12 June 1997
Berhanu Gebremedhin	UNHCR	Detained in Ethiopia since 24 June 1997
Basem Abu-Junied	UNRWA	Detained in the West Bank by the Palestinian Authority since 9 September 1997
Jean Bosco Nazarubara	UNHCR	Detained in Butare, Rwanda, since 12 October 1997
Mustafa Uthman Nakhleh	UNRWA	Detained in the West Bank since 4 December 1997
Marwan Mohd Rayyan	UNRWA	Detained in the West Bank since 13 January 1998
Bernard Nsabimana	UNICEF	Detained in Goma, Democratic Republic of the Congo, since 4 March 1998
Majdi Ibrahim Abbad	UNRWA	Detained in the West Bank since 24 March 1998

Name	*Agency*	*Place and date of incident*
Mohammed-Kheir Ahmed Said	UNRWA	Detained in the Syrian Arab Republic since 18 April 1998
Fawwaz Moh'd Shuraiqi	UNRWA	Detained in Jordan since 2 May 1998
Saleh Mousa Askari	UNRWA	Detained in the Syrian Arab Republic since 5 May 1998
Saleh Salem Badawi	UNRWA	Detained in Jordan since 7 May 1998
Maher A/Hamed el-Bayoumi	UNRWA	Detained in the Gaza Strip since 19 June 1998

[a] The consolidated list contains in chronological order the names of staff members who remained under detention or missing as of 30 June 1998; the list, however, is not compiled to provide information on all cases of staff members who have been arrested, detained or missing in the past, nor does it cover staff members who have lost their lives in the performance of official duties.

Annex III

List of staff members who have lost their lives since 1 July 1997

Name	*Nationality*	*Agency*	*Place date of incident*	*Cause of death*
Sayeef Uddin Mahmud	Bangladesh	WHO	Siddhirganj, Bangladesh 17 July 1997	Gunshot wounds
Simon Taban Subek	Sudan	UNICEF	Juba, the Sudan 9 September 1997	Gunshot wounds
Amasias Abraham Michael	Ethiopia	WFP	Ogaden, Ethiopia 19 September 1997	Gunshot wounds
Kidane Tekle Giorgis	Ethiopia	WFP	Ogaden, Ethiopia 19 September 1997	Gunshot wounds
Pablo Gorga	Uruguay	United Nations, MINUGUA	Guatemala 17 March 1998	Helicopter accident
Celso Martinez	Guatemala	United Nations, MINUGUA	Guatemala 17 March 1998	Helicopter accident
Pedro Ruz	Chile	United Nations, MINUGUA	Guatemala 17 March 1998	Helicopter accident
Omar Aguirre	Bolivia	UNV, MINUGUA	Guatemala 17 March 1998	Helicopter accident
Lisa Malone	Australia	UNV, MINUGUA	Guatemala 17 March 1998	Helicopter accident
Samson Somaian Ohiri	Sudan	WFP	Kadugli, the Sudan 9 June 1998	Gunshot wounds
El Haj Ali Hammad	Sudan	WFP	Kadugli, the Sudan 9 June 1998	Gunshot wounds
Alioune Beye	Mali	United Nations, MONUA	Abidjan 26 June 1998	Aircraft accident
Koffi Adjoyi	Togo	United Nations, MONUA	Abidjan 26 June 1998	Aircraft accident
Beadengar Dessande	Chad	United Nations, MONUA	Abidjan 26 June 1998	Aircraft accident
Amadou Moctar Gueye	Senegal	United Nations, MONUA	Abidjan 26 June 1998	Aircraft accident
Ibikunle Williams	Nigeria	United Nations, MONUA	Abidjan 26 June 1998	Aircraft accident
William Astiku	Uganda	WFP	Arua District, Uganda 8 July 1998	Gunshot wounds
Maria Magdalena Wewiorska	Poland	UNOV, UNOMIG	Tbilisi 14 July 1998	Gunshot wounds

Name	*Nationality*	*Agency*	*Place date of incident*	*Cause of death*
Yutaka Akino	Japan	UNMOT	Garm, Tajikistan 20 July 1998	Gunshot wounds
Juragon Mahramov	Tajikistan	UNMIT	Garm, Tajikistan 20 July 1998	Gunshot wounds
Renato Ricciardi	Italy	WFP	Bujumbura 23 July 1998	Gunshot wounds
Jure De Marco	United States of America	UNHQ	Dushanbe 18 August 1998	Gunshot wounds
Ludwig Baeumer	Germany	WIPO	Halifax, Nova Scotia 2 September 1998	Aircraft accident
Joachim Bilger	Germany	WIPO	Halifax, Nova Scotia 2 September 1998	Aircraft accident
Kathryn Calvet-Mazy	France	UNHCR	Halifax, Nova Scotia 2 September 1998	Aircraft accident
Pierce Gerety	United States of America	UNHCR	Halifax, Nova Scotia 2 September 1998	Aircraft accident
Yves de Roussan	Canada	UNICEF	Halifax, Nova Scotia 2 September 1998	Aircraft accident

Annex IV

Information submitted by individual organizations and United Nations subsidiary organs and offices or joint subsidiary organs for inclusion in the present report

A. Office of the United Nations High Commissioner for Refugees

1. The safety and security of UNHCR staff continues to have the highest priority on the High Commissioner's agenda and within the Office as a whole. The killings, arrests, illegal detentions and, of late, kidnapping of staff, continue to be the cause of grave concern. In the past year, the High Commissioner has been in the forefront of efforts to address the issue of the security and safety of staff. These initiatives have resulted in action by the high-level meeting of the Consultative Committee on Administrative Questions (CCAQ) held on 9 February 1998, the Ad Hoc Inter-Agency Meeting on Security held from 17 to 19 March 1998, and the Administrative Committee on Coordination (ACC), which met also in March 1998.

2. ACC, in endorsing the reports of the high-level meeting of CCAQ and the Ad Hoc Inter-Agency Meeting on Security, reiterated the importance that it attaches to the issue of staff safety and security, and reaffirmed once again its commitment to improving the security of staff members of the United Nations system.

3. The measures recommended by ACC are broad in scope and their implementation will much improve the security and safety of staff in the field. It will also demonstrate that the Organization is fully committed to ensuring that staff operate in the safest possible conditions.

4. In its resolutions 51/227, 52/126 and 52/167, the General Assembly addressed the need to respect the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations, the protection of United Nations personnel and the safety and security of humanitarian personnel.

5. In adopting resolutions 52/126 and 52/167 without a vote, the General Assembly clearly demonstrated its deep concern for the security and safety of humanitarian personnel. In so doing, it called on all Governments and parties in countries where humanitarian personnel are operating to take all possible measures to ensure that the lives and well-being of humanitarian personnel are respected and protected.

6. The kidnapping of the UNHCR representative at Vladikavkaz, Vincent Cochetel, on 29 January 1998, marked a further serious deterioration in the security and safety conditions under which field staff often work. The abduction demonstrated yet again the risks under which humanitarian personnel continue to try to fulfil their mandate, even in the most difficult of conditions. As of 1 September 1998, Mr. Cochetel was still held captive despite interventions at the highest levels of Government. Diverse efforts to effect his release continue but have not been successful to date.

7. There are a number of legal instruments under which the security and safety of officials of the United Nations system is guaranteed, including the Charter of the United Nations; the Convention on Privileges and Immunities of the United Nations; the Convention of Privileges and Immunities of the Specialized Agencies; the United Nations Development Programme Standard Basic Assistance Agreements; and the Convention on the Safety of United Nations and Associated Personnel. Nonetheless, the security and safety of staff is still perilous in many areas of UNHCR operations.

8. In reviewing those countries where staff are seen to be most at risk and in trying to analyse the reasons for this insecurity, one may ask whether or not the local authorities are aware of the range of legal protections under which United Nations staff work. In some countries, an accessibly packaged awareness programme on legal protections would clearly be useful. Certainly, seminars for top government, senior police and military personnel, at both the national and local levels, could be conducted, re-emphasizing the importance that UNHCR attaches to the safety and security of its staff.

9. Conditions in a number of UNHCR areas of operations are such that the rule of law either does not apply or is applied in such a way that it increases the risks under which humanitarian personnel have to operate. In these circumstances, staff are subjected to stressful conditions on a continuous basis, and the risk of cumulative stress disorders is very high.

10. The system-wide arrangements for the security and safety of staff in the field, as developed by the Office of the United Nations Security Coordinator (UNSECOORD) and detailed in the Field Security Handbook, are very

comprehensive. In particular, the concept of the designated official and the security management team, working together to further the security staff, has been shown to be very effective, not only in times of crisis but also in the day-to-day management of the country security plan. Ideally, they will have participated in the preparation of such plans.

11. Included in the system-wide arrangements and also detailed in the field security handbook is the concept of the field security officer/field security adviser. The field security officer (FSO) is responsible for all physical measures related to crisis readiness and prevention at the duty station, and is directly accountable to the designated official. Further, the FSO is required to establish and develop excellent liaison relations, not only with national military and law enforcement agencies but also with senior elements of local civilian authorities. Experience has shown that at those duty stations where good liaison relations exist, the security and safety of staff are significantly improved.

12. Field security advisers are also available in the United Nations system. At those locations where there is no full-time security officer and in order to provide the designated official and others concerned with on-the-spot advice, professional field security advisers may be designated by the United Nations Security Coordinator. The field security advisers will also visit the field officer either on missions initiated by the United Nations Security Coordinator or at the request of the designated official, to assess security requirements or to provide support, when necessary.

13. The security and safety of local staff is an issue of ever greater concern. In areas of operations where the nature of the emergency has made it necessary to provide assistance over an extended period, local staff of United Nations offices may well be the most regular wage earners. As such, they and their families are more likely to be the victims of criminal activity. However, for those in high profile or sensitive posts, there is the additional risk of being targeted by more official elements in the local community, to provide intelligence information, among other things. Thus, protection and rehabilitation staff, as well as administrative, finance and personnel staff, may find themselves being approached to provide either information or jobs. Recent experience has shown that it is not only those in high-profile or sensitive posts who may be at risk. Drivers, because of the fact that they are sometimes witness to events that may embarrass local officials, are also likely to become the focus of unwanted attention. The risks to local staff who have been arrested is considerable, and no effort should be spared in trying to establish access to them as soon as possible. This will sometimes require action at the local and national levels, and even from the entire common system of the United Nations.

14. UNHCR has unilaterally implemented two training vehicles targeted at improving the security of staff members. The first of these was a one-week train the trainers course, attended by all UNHCR field staff safety advisers (FSSAs), training them to teach the United Nations system security awareness training package. It is felt that giving the FSSAs these skills will significantly increase the number of training opportunities for humanitarian staff in the highest risk duty stations, notably those where UNHCR has posted FSSAs (the Great Lakes region of Africa, former Yugoslavia and Eastern Europe).

15. In addition, the High Commissioner has directed that prior to the end of 1998, all current and prospective representatives and other senior officials will receive training on how to manage security for staff outside of capital cities. This two-day training programme, which covers the essentials of security management, is directed at senior managers who have staff in isolated areas. Three sessions of this course have already been conducted in Mexico and at Dubai and Bangkok.

16. In addition to the two new training programmes mentioned above, UNHCR continues to provide a half-day security training session for all new staff at UNHCR, and is expanding security training for members of the emergency response team (ERT). The ERT training now consists of lectures and discussions and a half-day field simulation exercise. In addition, and when possible, ERT members assigned to a mission are given a country-specific security briefing immediately prior to deployment.

17. Effective 1 January 1998, UNHCR extended Malicious Acts Insurance coverage on a 24-hour basis to locally recruited staff. This extended coverage was adopted by the United Nations common system on 1 April 1998, following the recommendation of ACC at its meeting on 25 March 1998 at Geneva.

18. For the United Nations system in its entirety, ACC has recommended a number of enhancements for staff security that are currently being studied and/or implemented by UNHCR. These are outlined briefly below.

19. *Implementation within each organization of a single budget line/chapter to fund security expenditures.* Human resources management, security and finance staff members are in the process of researching the most effective way to implement this recommendation.

20. *Security training, on a mandatory basis, for all staff members at high-risk duty stations.* UNHCR feels that the

two UNHCR-specific training programmes mentioned above are complementary to this recommendation for security training, which will be administered by UNSECOORD. The latter is in the process of establishing training teams that will be deployed to all high-risk duty stations. Funding will be on a cost-shared basis amongst organizations and calculated on ACC personnel statistics for staff at these duty stations.

21. *Establishment of a working group to review the operational capabilities of field security officers.* This working group met in New York in late May 1998 under the chairmanship of UNSECOORD. UNHCR, with its wide-ranging experience in the area of field staff security, has been a substantial contributor to this working group.

22. *Establishment of minimum operational security standards (MOSS).* This recommendation by ACC is one that must be urgently addressed, particularly by the front-line agencies – UNICEF, WFP and UNHCR – in close consultation with UNSECOORD. Experience in the field has shown that there is a great diversity of opinion on how the minimum operational security standards might best be defined, bearing in mind the need to be responsive to caseloads that in many cases have been abandoned by all but the humanitarian agencies. Achieving a balance between the need for responsiveness and the need to minimize the risks involved, particularly in those areas where law and order has broken down, and having this balance accepted by all the players on the humanitarian stage will require great understanding on the part of all concerned.

23. *Institution of security measures with regard to ensuring the security of locally recruited staff.* UNHCR fully supports the existing policy outlined in the field security handbook, which deals with matters relative to the security of locally recruited staff. It is continuing measures started several years ago to integrate national staff into warden systems, to develop security planning activities, and to identify concentration points and relocation points. Steps have also been taken to ensure that those measures relative to financial assistance for locally recruited staff can be quickly and fully implemented in the event of the sudden onset of problems requiring the temporary suspension of programmes and/or the evacuation or relocation of staff.

24. *Establishment of a security trust fund by UNSECOORD.* Despite the goodwill and understanding of all concerned, the implementation of urgently needed staff security measures continues to suffer from a chronic shortage of readily available funds. The approval of ACC of the establishment of a security trust fund to supplement existing security funding mechanisms is timely. UNHCR will play its part in ensuring that Member States are advised of the existence of this fund and the need to make contributions to it.

25. *Arrest and detention of officials.* In a number of areas of operations, the arrest and detention of staff continues. In some cases, access to them has been denied for various periods of time. In one still outstanding case, it has not been possible to visit a staff member despite the fact that he has been under arrest since 18 April 1998 and no charges have been brought against him. In fact, on 25 April 1998, advice was received that the staff member had been cleared from any allegation and would be released soon. However, despite repeated assurances about imminent release and interventions at the highest levels, the staff member remains incarcerated.

26. In reviewing the security and safety conditions in UNHCR areas of operation, particularly in high-risk areas, there seems to be [illegible] little reason for hope that these country situations [illegible] ground will improve quickly.

27. The staff of humanitarian agencies in many locations are working in circumstances and conditions where military or police commanders would be reluctant to deploy their personnel. The ongoing courage of humanitarian staff is well documented. They seldom, if ever, leave their charges until conditions on the ground become totally untenable. If the security of these brave people is to be guaranteed to the fullest extent possible, there is an urgent need to maximize the use of all possible assets, including funding, legal instruments, training, provision of all necessary equipment, advocacy at all levels, stress reduction techniques, increased staffing levels and enhanced inter-agency cooperation.

28. The Office of the United Nations Security Coordinator has continuously demonstrated the level of leadership and professionalism necessary to deal with the many crises that have erupted in the past. It should be acknowledged that their record of success is outstanding. UNHCR regards strengthening the role of UNSECOORD as critical to the process of ensuring the security and safety of United Nations staff in the future. With UNSECOORD's expertise and coordination capability, the maximum use of the assets mentioned above and the development of a set of minimum operational security standards to which all agencies agree, the risks inherent in providing humanitarian assistance can be managed effectively.

B. United Nations Children's Fund

29. During the period of the present report, there was a continuation of the trend which began to emerge in 1996 for

Governments/de facto authorities to routinely violate UNICEF privileges and immunities.

30. Some of the worst abuses occurred in North Kivu province of the Democratic Republic of the Congo, where staff members were harassed and detained, office premises violated by representatives of the Government, vehicles and other equipment were seized, and UNICEF was verbally attacked in April 1998 by the President, with false allegations of assisting rebels against the Government. One national staff member of the Goma office, Mr. Bernard Nsabimana, was arrested on 4 March 1998 and remains in detention, uncharged so far as UNICEF is aware, at an unknown location. Repeated UNICEF protests were ignored and sometimes mocked.

31. In an effort to ameliorate the situation, UNICEF Executive Director Carol Bellamy undertook a visit to Kinshasa in April 1998. Despite repeated assurances from his staff of an audience, the President declined to see Ms. Bellamy. In view of the campaign of vilification of United Nations humanitarian and international non-governmental organizations that is under way at Kisangani, UNICEF has been forced to conclude that it is no longer possible to work in North Kivu.

32. In Afghanistan, UNICEF staff members, both national and international, have been harassed and threatened by the Taliban authorities who control much of the country. Individual national staff members have been publicly beaten at Jalalabad in November 1997 for alleged infractions of Taliban rules concerning length of beard and hair, while the international officer-in-charge of UNICEF at Jalalabad was intimidated because of her gender. At Kandahar in September 1997, an international staff member was expelled from the country by the Taliban for objecting to gross discrimination against several female colleagues, one of whom was a UNICEF consultant. In northern Afghanistan, the so-called Northern Alliance repeatedly violated United Nations, including UNICEF, office and warehouse premises, looting valuable property as well as putting the lives of staff members in danger. It is hoped that an agreement reached between the Taliban authorities and a United Nations negotiating team will see an improvement in the former's behaviour towards United Nations staff. Similar negotiations are needed with the Northern Alliance.

33. In Rwanda, a number of national staff, as well as former staff members, remain in prison awaiting trial for alleged involvement in the genocide of 1994. The conditions under which they are held are deplorable, and there is no certainty as to when they will be tried and how fair the process will be.

34. In the Sudan, the Government has restricted access by Operation Lifeline Sudan (OLS) to hundreds of thousands of southern Sudanese, has verbally attacked the Coordinator of OLS southern sector for protesting the arbitrary denial of access to beneficiaries, and has violated the immunities of UNICEF itself and that of certain national and international staff by searching the United Nations pouch and UNICEF staff at Juba Airport in March 1998. When the UNICEF security focal point took issue with these violations, he was advised that Sudanese national security interests were more important than United Nations claims of privileges and immunities. It must also be noted that the Sudan People's Liberation Army has also sometimes denied the OLS staff access to some southern Sudanese internally displaced people during the reporting period, although their behaviour was much less egregious than that of the Government of Sudan.

35. In Ethiopia on 12 May 1998, a UNICEF consultant (and former UNICEF national officer) was arrested by the internal security police for alleged genocide; he was subsequently charged with that offense on 26 May 1998. UNICEF, while not denying the right of the Government of Ethiopia to arrest and try those individuals whom they believe to be guilty of some crime, is disturbed that no effort has been made to advise UNICEF of the individual's arrest. He has been denied legal representation to date.

36. Finally, UNICEF notes that there were various violations of immunities and restrictions on the organization's ability to provide humanitarian relief to populations at risk in Sierra Leone and the Congo during the months following the outbreak of civil war in each of those countries. It is not possible to assign blame since there were many parties to these conflicts, but it is nonetheless a major problem that UNICEF is likely to experience in other countries in the future.

C. United Nations Relief and Works Agency for Palestine Refugees in the Near East

Arrest and detention of staff

37. The number of UNRWA staff members arrested and detained throughout the area of operations increased from 44 in the previous reporting period to 61 in the current reporting period. Although most staff members were released without charge or trial after relatively short periods of detention, the number of staff members who remained in detention at the close of the reporting period increased from four on 30 June 1997 to nine on 30 June 1998. In the Gaza

Strip, at total of 15 staff members were arrested and detained by the Palestinian Authority, compared with 18 in the preceding reporting period; all were detained for relatively short periods. Two staff members were arrested by the Israeli authorities at Rafah terminal, of whom one remained in detention in Israel at the close of the reporting period. In the West Bank, the number of staff members arrested and detained by the Palestinian Authority decreased from nine in the preceding reporting period to five in the current reporting period, of whom one remained in detention at 30 June 1998. The number of staff members arrested and detained by the Israeli authorities in the West Bank increased from five in the preceding reporting period to 14 in the current reporting period, of whom three remained in detention at 30 June 1998. There was a significant increase in the number of staff members arrested and detained in the Syrian Arab Republic; 12 staff members were detained and nine subsequently released, up from two detained and released in the previous reporting period. Thirteen staff members were arrested and detained in Jordan, compared to six in the preceding reporting period; one remained in detention on 30 June 1998. No staff members were arrested and detained in Lebanon, compared to one in the preceding reporting period. A summary of the number of staff members who remain under arrest or detained at 30 June 1998 is contained in annex II.

38. Regarding UNRWA's right to functional protection of its staff members who are arrested and detained, the Agency was not always provided with adequate and timely information by the relevant authorities as to the reasons for the arrest and detention of its staff members. In the absence of sufficient information, it was not always possible to ascertain whether the staff members' official functions were involved, bearing in mind the rights and duties flowing from the Charter of the United Nations, the 1946 Convention on the Privileges and Immunities of the United Nations and the relevant staff regulations and rules of UNRWA. Consequently, the Agency was unable to fully exercise its right to functional protection of staff members arrested and detained.

39. UNRWA was for the first time able to obtain access to all Palestinian Authority detention centres in the Gaza Strip to visit detained staff members. However, it was only possible to visit staff detained in the Gaza Strip after long delays, sometimes over a year, particularly at facilities other than Gaza Central Prison. The Palestinian Authority failed to provide information regarding the place of and reasons for detention of staff members in the West Bank. However, in some cases the Agency was able to ascertain the place of detention through informal channels, and was able to visit those detained staff members. In the West Bank, the Agency experienced no significant difficulty in obtaining details about the place of and reasons for detention of staff by the Israeli authorities. However, the Israeli authorities denied the Agency access to detained staff members held in the West Bank until February 1998, when after representations by the Agency, it became possible to resume visits to all but one of the detained staff members. In the Syrian Arab Republic, the Agency remained unable to visit detained staff members despite continued requests, although information was provided on the whereabouts of most detainees. No visits were made to detained staff members in Jordan.

Security and safety of UNRWA staff

40. The treatment and state of health of staff members in detention continued to be of concern to the Agency. The lack of access to detained staff members referred to in the preceding paragraph remained an obstacle to obtaining information on the health of detainees. One staff member detained in the Gaza Strip complained of mistreatment by the Palestinian Authority during detention. The state of health of another staff member detained by the Palestinian Authority and who suffered from kidney problems remained a matter of concern. Overall, there was a decrease in the number of detained staff members who complained of mistreatment by the Palestinian Authority. In the West Bank, two staff members complained of mistreatment during their detention by the Israeli authorities. In Jordan, there were no complaints by staff members in detention of mistreatment by government authorities. In the Syrian Arab Republic, there was one complaint of mistreatment by a detained staff member.

Travel restrictions

41. The procedures imposed by the Israeli authorities on security grounds to regulate entry to and exit from the West Bank and Gaza Strip, referred to in previous reports, remained in place during the reporting period. Those procedures included systems of permits regulating the travel of local staff, checkpoint controls and searches of Agency vehicles; occasional closures of the West Bank and Gaza Strip; occasional imposition of curfews and internal closures; and restrictions on travel to and from Jordan across the Allenby Bridge. In September 1997, a new restriction was introduced whereby Palestinians with West Bank or Gaza residency required an additional security clearance to drive a vehicle in Israel. As a result of all those procedures, movement of Agency staff and vehicles was considerably impeded and frequently prevented, with consequent disruption to field and headquarters operations and

additional costs for the Agency. The restrictions were primarily applicable to local staff, who comprised 99 per cent of all Agency staff in the West Bank and Gaza fields. The permit system, by its nature, complicated and impeded the movement of Agency staff, gave rise to unpredictability and imposed a cumbersome administrative burden on the Agency, which as a consequence had to maintain an extra administrative apparatus to obtain and renew permits of limited validity for several hundred of its staff.

42. Following incidents of violence or as a preventive security measure, the Israeli authorities imposed full closures of the West Bank and/or Gaza Strip on several occasions during the reporting period, lasting for a total of 57 days. In connection with bomb explosions at Jerusalem on 30 July 1997 and 4 September 1997, closures were imposed for 47 days in the period 30 July to 15 September 1997. Moreover, closures of the West Bank and Gaza Strip were imposed as a preventive security measure in connection with Israeli public holidays, accounting for 10 additional days of closure. The number of closure days was less than in the previous reporting period, particularly in the West Bank, where the figure declined by more than half. During full closures, Palestinians holding West Bank and Gaza Strip identity cards, including Agency staff, were prevented from leaving their area of residence and had their permits revoked without notice. In addition, as a result of incidents involving violence on 14 May 1998, the Rafah and Erez crossings were closed for a few hours.

43. Internal closures in the West Bank were imposed on two separate occasions during the reporting period, concurrent with the two full closures imposed following incidents of violence, referred to above. During internal closures, entry to or exit from specific localities was prohibited, affecting movement within the West Bank, in particular between cities and outlying camps and villages. The period of the first internal closure varied from region to region: Bethlehem was closed from 30 July to 28 August 1997; Hebron from 30 July to 14 August 1997; Ramallah and Jericho from 30 July to 13 August 1997; and Nablus from 30 July to 8 August 1997. The second internal closure was imposed on 4 September 1997 at Bethlehem, Jenin, Jericho, Nablus, Qalquilya, Ramallah and Tulkarem, and lifted in all those areas on 14 September 1997. In addition, curfew was imposed on the West Bank village of Asira Shemaliya from 21 September to 7 October 1997. Internal closures and curfews caused substantial disruption to Agency operations in the affected areas.

44. Almost all UNRWA vehicles continued to be subjected to internal and external searches upon every exit from the Gaza Strip through the Erez checkpoint, the principal point of transit between the Gaza Strip and Israel. Search procedures were applied to all vehicles driven by international and local staff, with the exception of those carrying staff members with diplomatic status, who numbered seven out of some 67 international staff stationed in Gaza during the reporting period. Although the Agency had in March 1996 exceptionally agreed to permit the survey of Agency vehicles driven by international staff exiting the Gaza Strip as a pragmatic and temporary measure in consideration of Israeli security concerns, search procedures at Erez remained in force at the same level throughout the reporting period. The special lane at Erez for VIPs and international organizations and the magnetic cards issued by the Israeli authorities, both aimed at expediting crossings, did not simplify or speed up the search procedures, which continued to result in time-consuming delays for Agency staff.

45. There continued to be lengthy delays and search procedures at the Allenby Bridge for local and international staff with West Bank or Gaza residency upon entry from Jordan. Towards the end of the reporting period, specific delays were caused by lengthy random searches and checks carried out by Israeli customs officials at the bridge. The Israeli authorities continued to prevent local staff from travelling in UNRWA courier vehicles inside the confines of the bridge complex, and to restrict the days of the week and hours of the day that such staff could cross the Allenby Bridge from Jordan to the West Bank in transit to the Gaza Strip. All staff members travelling on duty across the Allenby Bridge to Jordan, except those with diplomatic visas, continued to be required to pay a tax to the Israeli authorities, characterized as a fee for use of the bridge. Furthermore, local staff travelling to Jordan were required to pay an additional tax, ostensibly a fee for an exit permit, to the Israeli or the Palestinian authorities, depending on the staff member's place of residency. The Agency protested the continued collection of those taxes as a violation of the 1946 Convention on the Privileges and Immunities of the United Nations. The Israeli authorities advised UNRWA that a decision in principle had been taken to grant exemptions to the Agency in respect of the exit tax at the Allenby Bridge and Rafah terminal. A provisional arrangement was put in place exempting a small group of senior UNRWA staff who frequently needed to cross the Allenby Bridge on official business. As regards the arrangements being finalized for implementation of exemptions from the exit tax, the Agency reiterated that it was entitled to a general exemption consistent with the 1946 Convention, and that it could only accept an arrangement which would not limit its operations. UNRWA remained limited in the number of vehicles it could

use to transport international staff across the Allenby Bridge, and in addition was required to provide a 24-hour pre-notification for the crossings of most international staff members. The Agency was limited in the vehicles it could use for bridge crossings because UNRWA vehicles registered in Jordan with a diplomatic licence plate were denied access by the Israeli authorities to cross the Allenby Bridge from Jordan.

46. Restrictions on the movement of local staff into and out of the Gaza Strip and to the Allenby Bridge and Ben Gurion Airport continued to require UNRWA to employ extra international staff as drivers to maintain effective pouch and courier services for its Gaza headquarters and field operations. The Agency incurred significant additional costs in respect of the five international drivers so employed, as compared to the cost of similar local posts. A long-standing request for an additional airport permit, required to collect the diplomatic pouch, was granted to an international driver during the reporting period, bringing the total of such permits held to two. In addition, a long-standing request for permits for local drivers to approach the Allenby Bridge terminal was granted in respect of two UNRWA drivers.

47. UNRWA international staff members holding Jerusalem, West Bank or Gaza identity cards continued to be refused service visas by the Israeli authorities, and required permits for travel between the West Bank, the Gaza Strip and Israel. One of those staff members was refused a permit by the Israeli authorities on several occasions during the reporting period on the basis of unspecified security considerations. The Agency made repeated representations that as a matter of principle, all international staff should be accorded equal treatment.

48. As a result of the procedures and restrictions described above, it was an ongoing challenge for the Agency to maintain effective functioning of its headquarters in Gaza and effective communication with its headquarters at Amman.

D. International Labour Organization

49. The International Labour Organization (ILO) wishes to report one case of significance for the report covering the period 1 July 1997 to 1 June 1998 concerning Zambia.

50. Zambia, which is a party to the Convention on the Privileges and Immunities of the Specialized Agencies and has also undertaken in the agreement for the establishment of the ILO office at Lusaka to grant to the office and its staff the privileges and immunities provided for in the Convention, has for some years been seeking to subject the salaries of Zambian nationals working for foreign missions and international organizations to income tax. The ILO raised this matter in a note verbale to the Permanent Mission of Zambia to the United Nations Office at Geneva dated 30 January 1995, which the Mission stated it had forwarded to the competent authorities at Lusaka. Nothing further was heard on the matter until February 1996.

51. In February 1996, the Zambian Revenue Authority indicated that it was prepared to accept that tax due on earnings from employment for previous years would not be pursued but would be immediately applied to all current and future earnings. The matter was addressed by the office of the resident coordinator of the United Nations in Zambia in a note verbale on 29 March 1996. No further action was reported to ILO headquarters until May 1998, when the ILO office at Lusaka reported that the Zambian Government had decided that all Zambians working in foreign missions (a term which is understood to include the offices of international organizations) should register for tax amnesty or face high penalties. The ILO is currently inquiring into the precise nature and scope of the tax amnesty. The ILO has attempted without success to inquire into the precise nature and scope of the tax amnesty. In September 1998, the Zambian Revenue Authority sent demand letters to local staff requesting retroactive payment of income tax for two years, together with a penalty fee and interest, and further threatening debt recovery action if the amounts charged were not paid immediately. While continuing to coordinate action with the UNDP resident representative in Zambia, the ILO is in the process of addressing a note verbale to the Zambian Foreign Ministry expressing deep concern over what it considers to be a serious breach of the Convention on the Privileges and Immunities of the Specialized Agencies, and also of the agreement between the ILO and the Government of Zambia for the establishment of the ILO office at Lusaka.

E. United Nations Educational, Scientific and Cultural Organization

52. On 25 November 1997, Mr. Z'Ahidi Arthur Ngoma, a United Nations Educational, Scientific and Cultural Organization (UNESCO) staff member, was arrested while on special leave at Kinshasa. Initially Mr. Ngoma was held at Makala prison outside Kinshasa, where he was able to be visited by United Nations staff once or twice a week. At about the end of January 1998, Mr. Ngoma was abruptly

transferred to Buluwo prison, near Likasi, some 120 kilometres from Lubumbashi.

53. On 14 April 1998, it was reported that Mr. Ngoma had escaped from Buluwo prison, together with two political leaders who had also been arrested. Mr. Ngoma was reported to have been recaptured on 16 April 1998.

54. On 17 April 1998, the Director-General of UNESCO announced that since UNESCO had not been able to exercise its rights under the Convention of Privileges and Immunities, UNESCO would review UNESCO cooperation with the Government of the Democratic Republic of the Congo.

55. On 19 May 1998, Mr. Ngoma received a suspended sentence of 12 months. On 23 May, accompanied by United Nations staff, Mr. Ngoma was able to leave Lubumbashi, travel to Kinshasa and leave the country.

Annex V

List of United Nations programmes, funds, offices and missions, specialized agencies and related organizations that were requested to provide information for the present report

Economic Commission for Africa

Economic Commission for Latin America and the Caribbean

Economic and Social Commission for Asia and the Pacific

Economic and Social Commission for Western Asia

Food and Agriculture Organization of the United Nations

International Atomic Energy Agency

International Civil Aviation Organization

International Fund for Agricultural Development

International Labour Organization

International Monetary Fund

International Maritime Organization

International Trade Centre

International Telecommunication Union

Office of the United Nations High Commissioner for Human Rights

Office of the United Nations High Commissioner for Refugees

United Nations Conference on Trade and Development

United Nations Development Programme

United Nations Disengagement Observer Force

United Nations Educational, Scientific and Cultural Organization

United Nations Peace-keeping Force in Cyprus

United Nations Population Fund

United Nations Children's Fund

United Nations Industrial Development Organization

United Nations Interim Force in Lebanon

United Nations Liaison Office

United Nations Military Observer Group in India and Pakistan

United Nations Mission for the Referendum in Western Sahara

United Nations Mission in Bosnia and Herzegovina

United Nations Mission of Observers in Prevlaka

United Nations Mission of Observers in Tajikistan

United Nations Mission to the Central African Republic

United Nations Observer Mission in Georgia

United Nations Office at Geneva

United Nations Office at Nairobi

United Nations Office at Vienna

United Nations Office for Project Services

United Nations Preventive Deployment Force

United Nations Relief and Works Agency for Palestine Refugees in the Near East

United Nations Truce Supervision Organization

United Nations University

Universal Postal Union

World Food Programme

World Health Organization

World Intellectual Property Organization

World Bank

World Meteorological Organization

List of non-United Nations members of the Inter-Agency Standing Committee who were requested to provide information

InterAction

International Committee of the Red Cross

International Federation of the Red Cross and Red Crescent Societies

International Council of Voluntary Agencies

International Organization for Migration

Steering Committee for Humanitarian Response